

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 915
Case No. 99-8
(Text Amendment – 11 DCMR Chapter 7)
December 15, 1999

On December 13, 1999, at its regular monthly meeting, the Zoning Commission for the District of Columbia authorized a public hearing for the above case.

On November 17, 1999, the Office of Zoning received as application from the law firm of Wilkes, Artist, Hedrick and Lane on behalf of Summit Properties requesting the Zoning Commission for the District of Columbia to amend the text of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning.

The purpose of the proposed amendment is to provide as additional incentive for property owners to accomplish two important demonstrated goals for the citizens and government of the District of Columbia: (1) the preservation of historic building stock in the Downtown and neighboring areas; and (2) the creation of critical residential space within these areas, an integral component of the "Living Downtown" concept espoused in the District's Comprehensive Plan.

The proposed language to amend the Zoning Regulation is as follows;

Chapter 7 is amended to read as follows;

§ 755 Downtown Historic Properties Residential Rehabilitation Incentive Program (C-4)

755.1 The provisions of this section shall apply to contributing buildings in any historic district within the C-4 Zone or designated historic landmarks in the C-4 Zone.

755.2 The purposes of this section are as follows:

- (a) To encourage construction of new housing so that a sizeable residential component is created that will accomplish the balanced uses essential to a "Living Downtown";
- (b) To preserve the significant fabric and character of historic

landmarks and contributing buildings in historic districts of the C-4 Zone and to encourage their retention and rehabilitation.

- 755.3 This section shall authorize the transfer of development rights from certain projects within the C-4 Zone to a receiving lot or lots located in the Downtown East, New Downtown, North Capitol, Capitol South, Southwest, or other receiving areas or sites, established pursuant to 11 D.C.M.R. 1709.
- 755.4 Any rehabilitation of an historic landmark or contributing building in any historic district, as determined by the D.C. Historic Preservation Review Board, within the C-4 Zone that provides new residential use on-site shall qualify to earn transferable development rights, provided the rehabilitation retains sufficient historic fabric to constitute a “whole building retention” as determined by the D.C.R.A. Historic Preservation Division.
- 755.5 A rehabilitation project qualifying under Sec. 755.4 shall earn two (2) square feet of transferable development rights for each one (1) square foot of residential use developed.
- 755.6 In order to convey the transferable development rights provided in this section, the property owner of the landmark or contributing building shall execute an instrument of transfer, as provided in Sec. 1709 of this Chapter, that satisfies the following requirements:
- (a) Provides evidence that the owner has secured a building permit for the subject site which:
 - (1) retains and rehabilitates the landmark or contributing building consistent with plans approved pursuant to D.C. Law 2-144; and
 - (2) provides for the construction of residential use on-site; and
 - (b) Provides written certification from the D.C.R.A. Historic Preservation Division of completion of the rehabilitation of the landmark or contributing building consistent with the approved building permit.
- 755.7 The provision of this section shall not apply to any rehabilitation project on property where any other section of this title requires housing to be provided.

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It is therefore ordered that Z.C. Case No. 99-8 be scheduled for public hearing. A formal "Notice of Public Hearing" is forthcoming.



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